

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BLACK VOTER’S MATTER FUND,
TRANSFORMATIVE JUSTICE
COALITION, THE RAINBOW PUSH
COALITION and SOUTHWEST VOTER
REGISTRATION EDUCATION
PROJECT

Plaintiffs

V.

BRAD RAFFENSPERGER, Secretary
of State of Georgia in his official
capacity,

Defendant

Civil Action
No. 20-cv-4869

**MOTION TO ADJOURN RULING ON DEFENDANT
RAFFENSPERGER’S MOTION TO DISMISS UNTIL AFTER
THE COURT RULES ON THE PLAINTIFFS’ MOTIONS FOR
RECONSIDERATION AND TO AMEND THE COMPLAINT**

Plaintiffs, by and through counsel move this Court to adjourn ruling on Defendant Raffensperger’s Motion to Dismiss until after the Court Rules on Plaintiffs’ Motion for Reconsideration and Motion for leave to file a Second Amended Complaint.

As reasons in support of this motion, Plaintiffs state:

1. Plaintiffs were open in their papers that the case was filed in part because of the urgency and importance of the Senatorial runoff elections could result in more people wanting to vote, and many of them finding they were purged from the voting rolls for moving when they did not.
2. After filing the case, Plaintiffs attention was turned to the preparation for the hearing on the injunctive relief.
3. The legal issues raised in the motion to dismiss were in raised in Plaintiffs motion for Preliminary Injunction, such as standing and NVRA notice.
4. The Court has ruled on Plaintiffs motion for a Preliminary Injunction disagreeing with Defendant that Plaintiffs lack constitutional standing, however agreeing with Defendant on the issue of statutory NVRA notice.
5. Plaintiffs' motion to amend seeks to remedy the NVRA standing/notice question with the addition to the Palast Investigative Fund as a Plaintiff.
6. In the Motion to Dismiss and the Defendant's opposition to the Plaintiffs' motion for preliminary injunction, the Secretary of State claimed that Defendant was not required to directly use a USPS licensee as long as the information came from a licensee.

7. The Court ruled that the Defendant could use information from a USPS licensee and found this was done through the use of information from Anchor Computer Inc.
8. The Plaintiffs' motion for reconsideration directly challenges the finding that Defendant used Anchor for any aspect of its NCOA analysis.
9. The Court did not rule on the merits Plaintiffs' Equal Protection claim but found it did not support injunctive relief.
10. The Court has indirectly addressed the issue of laches through the holding that changes should not be made on the eve of an election.
11. Plaintiffs motion to amend the Complaint seeks the restoration of voters to the rolls as a long-term request after discovery and further development of the record.
12. Thus, the issues raised in Defendant's motion to dismiss are directly addressed and remedied by the motions Plaintiffs have filed.
13. If this Court is not inclined to grant this motion, Plaintiffs seek an extension to file a specific response to Defendant's Motion to Dismiss.

Respectfully submitted this 30th day of December 2020,

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